

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 5-9, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-6	EX	75/923,790	New York Transit, Inc.	Cissel* Hanak Quinn (D)	2(e)(3)	Refusal Reversed		"N Y TRANSIT" [earrings and other jewelry; purses and handbags; gloves, belts, and hosiery]		R. Clark	No
8-6	EX	75/615,116	Fenmore International Ltd.	Cissel* Hohein Bucher	2(e)(1); whether applicant's amended identification of goods is sufficiently definite and whether it exceeds the scope of applicant's original identification of goods	Refusal Affirmed on all grounds asserted		"AAC" [equipment for processing, recording, reproducing, editing, storing, transmitting, and receiving the audio signals, namely personal computers, optical disk players and recorders, magnetic disk players and recorders, magnetic tape players and recorders, hard-drive memories, alarm clocks, radios, analog and digital portable tape players, analog and digital portable disk players, analog and digital portable memory players, electrical wires and cables; software to enhance the capabilities of multimedia applications, namely, applications to enhance the performance of any multimedia system; written data cartridges, CD-ROMs, diskettes, computer disks, RAM memories, semiconductor memories, and memory cards, all featuring entertainment]		Griffin	No

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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8-6	OPP (SJ)	123,199	Warren Oil Co., Inc. v. Carwell Products, Inc.	Hohein Walters Bucher*	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"LUBRIGUARD" [motor oil and other related petroleum products, such as transmission fluid, hydraulic fluid and machine oils]	"LUBRIGUARD" [lubricants, namely, anti-corrosive, rust protection lubricant]			No
8-6	EX	75/878,287	SPX Corp.	Seeherman* Holtzman Drost	2(e)(1); whether applicant is obliged under Rule 2.61(b) to provide requested information; whether applicant's identification of goods is acceptable	Refusal Affirmed (on 2(e)(1) and Rule 2.61(b) grounds only)		"E-DIAGNOSTICS" [electronic engine analysis system comprised of a hand-held computer and related computer software]		Wahlberg	No
8-6	EX	75/449,466	Alexander Manufacturing Co.	Simms* Holtzman Drost	whether the configuration of applicant's goods has acquired distinctiveness as a trademark under Section 2(f)	Refusal Affirmed		configuration of applicant's screwdrivers, comprising a round barrel and a separate blade with reversible tip inserted into one end of the barrel [screwdrivers]		Cain	No
8-6	EX	76/209,075	T. M. Shea Products, Inc.	Simms* Cissel Chapman	2(e)(1)	Refusal Affirmed		"PROMOPANELS" [cardboard and plastic merchandising displays for use with existing gondola displays for merchandising products]		R. White	No

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8-6	CANC	28,922	Trustees of the Baldwin Family Trust v. Isosceles, Inc.	Cissel Hanak Quinn*	2(d)	Petition to Cancel Granted	"ISOSCELES" [wine]	"ISOSCELES" [brewed alcoholic beverages, namely, beer]			No
8-6	OPP	100,940	NewAge Industries, Inc. v. Jet Spray Corp.	Seeherman Quinn* Hohein	2(d)	Opposition Sustained	"NEWAGE" [metal hardness testers; plastic tubing for general industrial and institutional use]	"NEWAGE JET SPRAY" [beverage dispensing machines]			No
8-6	EX	75/599,576	Parasoft Corp.	Seeherman Quinn Chapman*	2(e)(1); 2(d); whether applicant is obliged under Rule 2.61(b) to provide requested information	Refusal Affirmed (on 2(e)(1) and 2(d) grounds only)		"C++TEST!" [computer program for testing computer applications software]	"CTEST++" [systems software for testing and quality assurance of other computer software]	Dwyer	No
8-6	EX	75/864,736	Automated Cell, Inc.	Hanak Chapman* Bucher	2(e)(1)	Refusal Affirmed		"AUTOMATED CELL" [automated cell biology services, namely, analyzing living cells in regard to external stimuli, for therapeutic development]		Regan	No
8-6	EX	75/757,251	The Right Brain Trust, LLC	Simms Cissel* Quinn	2(e)(1)	Refusal Affirmed		"THE SENIOR CHANNEL" [television, cable television and radio broadcasting services; production of television, cable television and radio programming; syndication of television, cable television, and radio programs]		Golden	No

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8-7	EX	76/011,777	Artful Enterprises, Inc.	Hanak* Quinn Hohein	2(e)(1); whether applicant's recitation of services is sufficiently definite; whether applicant's services are properly classified	Refusal Affirmed (on 2(e)(1) ground only)		"FINEART.COM" [providing visual art services, namely, providing services related to the purchase and sale of fine visual art and the promotion of arts in a retail store]		L. Thompson	No
8-8	EX	75/821,755	Stonestreet, LLC	Cissel Bucher* Holtzman	2(d)	Refusal Affirmed		"BUCKEYE" [wines]	"BUCKEYE SPARKLING DRY" (and design) [beer]	R. Lorenzo	No
8-8	EX	78/020,086	Tequila Drinker. com, LLC	Cissel Walters Bucher*	2(e)(1)	Refusal Affirmed		"TEQUILADRINKER" [providing an online magazine featuring information about restaurants, food, politics, culture, technology, tequila, and news]		Tanner	No

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